

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RAYVELL VANN,

Movant,

vs.

No. CR 12-00966 PJK

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER
DENYING MOTION FOR REDUCTION OF SENTENCE (ECF No. 341)

Before the court is the handwritten motion filed by Movant Rayvell Vann seeking a reduction of sentence under 18 U.S.C. § 3582(c)(1)(A). ECF No. 341. In addition, Mr. Vann has filed various other documents in connection with his request. ECF Nos. 342 & 343. The court previously denied a motion for reduction of sentence on the merits and Mr. Vann did not appeal. ECF No. 329. In the instant motion, Mr. Vann once again challenges his federal sentence enhancement, arguing a predicate Nebraska conviction does not qualify as a controlled substance offense. ECF No. 341. As the court has explained many times, such would be a challenge to the validity of his sentence and sound in a 28 U.S.C. § 2255 motion. See, e.g., ECF No. 337 (Order on Motion for Reconsideration); ECF No. 334 (Memorandum Opinion and Order Dismissing Movant's Seventh § 2255 Motion); ECF No. 330 (Order Dismissing Sixth § 2255 Motion).

NOW, THEREFORE, IT IS ORDERED that Movant Rayvell Vann's 18 U.S.C.
§ 3582(c)(1)(A) motion (ECF No. 341) is denied.

DATED this 14th day of July 2021, at Santa Fe, New Mexico.

/s/ Paul Kelly, Jr.
United States Circuit Judge
Sitting by Designation